

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CR-296-D
No. 5:12-CV-470-D
No. 5:16-CV-316-D

JOHNNY D. MANN,

Petitioner,

v.

UNITED STATES OF AMERICA,


Respondent.

ORDER

On June 5, 2016, Johnny D. Mann ("Mann") filed a motion under 28 U.S.C. § 2255 to vacate his sentence [D.E. 84]. On October 20, 2016, the government responded and agreed that Mann's 144-month sentence should be vacated [D.E. 89].

Having reviewed the record and the governing law, the court GRANTS Mann's motion [D.E. 84] and VACATES his sentence. After the United States Probation Office prepares a new Presentence Investigation Report ("PSR"), the court will hold a new sentencing hearing and resentence Mann. The court notifies the parties that it is considering an upward departure under U.S.S.G. § 4A1.3. See Fed. R. Crim. P. 32(h); U.S.S.G. § 4A1.3(a)(1).

SO ORDERED. This 26 day of October 2016.


JAMES C. DEVER III
Chief United States District Judge